

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION

PAUL DESAI; JAYMINE ENTERPRISE,)
INC.; KAJAL PROPERTIES, LLC; NPHD,)
INC.; and RAJ HOTELS LIMITED, INC.,)

Plaintiffs,)

v.)

Case No. 06-4046-CV-C-NKL

DAVID BROOKS; DAVID)
KIMITCHECK; ASHFORD FINANCIAL)
CORP.; ASHFORD FINANCIAL)
GROUP, INC.; CLARK NEW JERSEY)
HOTEL, L.P.; OMAHA NEBRASKA)
HOTEL, L.P.,)

Defendants.)

ORDER

On May 22, 2006, the Court granted Defendants' Motion to Dismiss Plaintiffs' Complaint. (Order, Doc. # 36)]. That same day, the Clerk of Court entered a Clerk's Judgment closing the case. [Doc. # 37]. Since July 24, 2006, Plaintiff Paul Desai has filed four pro se motions on behalf of himself and the Corporate Plaintiffs despite the Court's previous admonition that he may not represent the Corporate Plaintiffs as he is not a licensed attorney. *See* May 19, 2006 Order [Doc. # 35]. These filings consist of a Motion to add the lawyers previously representing the Corporate Plaintiffs as "Third Party Defendants" [Doc. # 38], a Motion to Reconsider the Court's Dismissal Order [Doc. # 39], a Motion to for Leave to Add over a dozen more "Third Party Defendants" [Doc. #

42], and a Motion for Equity [Doc. # 43]. Although they are not parties to this litigation, former Corporate Plaintiffs' counsel H. Kent Desselle and the Desselle Law Office, L.L.C., have subsequently filed a Motion to Strike Desai's pleadings and for a Protective Order to prevent the further filing of any motions against non-parties.

The Court interprets Desai's Motions to Reconsider and for Equity as Motions to Alter or Amend Judgment under Fed. R. Civ. P. 59(e). Rule 59(e) requires that all such motions "shall be filed no later than 10 days after entry of the judgment." Because Desai filed these Motions more than two months after his case was dismissed, they are untimely and will be denied. Even if the Court were to construe these motions as a Notice of Appeal, they would still be time-barred. Rule 4(a)(1)(A) of the Federal Rules of Appellate Procedure requires notice of appeal to be filed within 30 days of the entry of judgment. The Motions to join additional defendants are also denied. The case is closed. If Desai wishes to pursue legal action against these new defendants he must do so in another lawsuit, but only if permitted by law, including Fed. R. Civ. P. 11. Accordingly it is

ORDERED that all of Plaintiffs' pending Motions [Docs. ## 38, 39, 42, and 43] are DENIED. Plaintiffs are further ORDERED not to file any further documents under this case number. The Clerk of Court is directed to STRIKE any further documents for failure to follow the rules of civil procedure. It is further

ORDERED that the Desselle Law Office's Motion to Strike and for a Protective Order [Doc. # 48] is DENIED as MOOT.

s/ Nanette K. Laughrey
NANETTE K. LAUGHREY
United States District Judge

Dated: September 26, 2006
Jefferson City, Missouri